

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3748 OF 2023
IN
FIRST APPEAL (ST) NO.33146 OF 2022

Snehal Vishal Chaudhari And Ors. ...Applicants

Versus

The Divisional Officer, United
India Insurance Co. Ltd., Mumbai ...Respondent

Mr.R.S. Pawar, for the Applicants.
Mrs.S.S. Dwivedi, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18 APRIL 2023

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submits that the deceased was sole earning member of the Applicant's Family. The Applicants have no source of income. They needs the amount for their daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondent-Insurance Company has objected to allow the Application on the ground that accident was occurred due to contributory negligence of the

deceased. But this fact was not considered by the Tribunal. The learned counsel further submits that the Tribunal has considered income of deceased on higher side and on that basis compensation is awarded. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was sole earning member of the family. The Applicants have no source of income. The Applicants needs the amount for daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of the final hearing of the Appeal. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant is permitted to withdraw 50% amount out of the deposited amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)